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NOTICE OF ALLOWANCE AND FEE(S) DUE

21186

7590

03/25/2008

SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER

MARTIN, PAUL C

ART UNIT PAPER NUMBER

1657

DATE MAILED: 03/25/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,836	01/22/2004	Terry L. Riss	341.029US1	5868

TITLE OF INVENTION: LUMINOGENIC AND NONLUMINOGENIC MULTIPLEX ASSAY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	06/25/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

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If the SMALL ENTITY is shown as NO:

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B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE

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		ock 1 for any change of address)	F	ee(s) Transmittal. Th apers Each addition:	is certif	ficate cannot be used f	or domestic mailings of the for any other accompanying to r formal drawing, must
SCHWEGMAN P.O. BOX 2938 MINNEAPOLIS	,	^{∕/2008} È WOESSNER, P.	A. I	Center of the control	rtificatonis Fee(with suft Stop TO (57	e of Mailing or Trans s) Transmittal is being fficient postage for firs ISSUE FEE address (1) 273-2885, on the d	mission g deposited with the United st class mail in an envelope above, or being facsimile ate indicated below.
							(Depositor's name)
							(Signature)
			L				(Date)
APPLICATION NO.	FILING DATE		FIRST NAMED INVENT	OR	ATTC	RNEY DOCKET NO.	CONFIRMATION NO.
10/762,836 FITLE OF INVENTION:	01/22/2004 : LUMINOGENIC AND) NONLUMINOGENIC I	Terry L. Riss MULTIPLEX ASSAY			341.029US1	5868
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nonprovisional	NO	\$1440	\$300	\$0		\$1740	06/25/2008
EXAM	INER	ART UNIT	CLASS-SUBCLASS				
MARTIN,	PAUL C	1657	435-007720				
"Fee Address" indi PTO/SB/47; Rev 03-0 Number is required. 3. ASSIGNEE NAME AT	ondence address (or Cha 3/122) attached. cation (or "Fee Address' 2 or more recent) attach	nge of Correspondence " Indication form ted. Use of a Customer A TO BE PRINTED ON T	(1) the names of up or agents OR, altern (2) the name of a single registered attorney (2) registered patent a listed, no name will THE PATENT (print or	ntively, gle firm (having as a ragent) and the nan ttorneys or agents. If be printed. type)	nt attorn n memb nes of u no nan	per a 2p to see is 3	ocument has been filed for
recordation as set forth (A) NAME OF ASSIC	n in 37 CFR 3.11. Comp GNEE	oletion of this form is NO	T a substitute for filing (B) RESIDENCE: (CI	n assignment. ΓΥ and STATE OR 0	COUNT	TRY)	oup entity 🚨 Government
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a. Applicant claims	cus (from status indicated s SMALL ENTITY statu	is. See 37 CFR 1.27.	☐ b. Applicant is no l				
NOTE: The Issue Fee and interest as shown by the r	d Publication Fee (if requeecords of the United Sta	uired) will not be accepte tes Patent and Trademark	d from anyone other that Office.	n the applicant; a reg	istered	attorney or agent; or th	ne assignee or other party in
Authorized Signature			_	Date			
Typed or printed name				Registration I	No		
This collection of informa an application. Confident submitting the completed his form and/or suggesti Box 1450, Alexandria, V Alexandria, Virginia 223	iality is governed by 35 application form to the ons for reducing this builting in 22313-1450. DC	FR 1.311. The informatic U.S.C. 122 and 37 CFR USPTO. Time will vary rden, should be sent to th O NOT SEND FEES OR (on is required to obtain on 1.14. This collection is depending upon the interest of the COMPLETED FORMS	or retain a benefit by estimated to take 12 dividual case. Any co icer, U.S. Patent and TO THIS ADDRES	the pub minute: ommen Trader S. SEN	lic which is to file (and s to complete, includin ts on the amount of tin mark Office, U.S. Dep D TO: Commissioner	I by the USPTO to process) g gathering, preparing, and me you require to complete artment of Commerce, P.O. for Patents, P.O. Box 1450,

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10/762,836	01/22/2004	Terry L. Riss	341.029US1	5868		
21186 7590 03/25/2008			EXAMINER			
SCHWEGMAN,	LUNDBERG & WO	MARTIN, PAUL C				
P.O. BOX 2938	D	ART UNIT	PAPER NUMBER			
MINNEAPOLIS, MN 55402			1657			
			DATE MAILED: 03/25/2008			

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 168 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 168 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 (571)-272-4200.

	Application No.	Applicant(s)				
	10/762,836	RISS ET AL.				
Notice of Allowability	Examiner	Art Unit				
	PAUL C. MARTIN	1657				
The MAILING DATE of this communication apperall claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI	ears on the cover sheet with the co (OR REMAINS) CLOSED in this app or other appropriate communication GHTS. This application is subject to	olication. If not included will be mailed in due course. THIS				
1. X This communication is responsive to the RCE filed 02/07/0	<u>8</u> .					
2. The allowed claim(s) is/are <u>1-14,85-91 and 93-98</u> .						
 3. ☐ Acknowledgment is made of a claim for foreign priority ur a) ☐ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have 						
2. Certified copies of the priority documents have	• • • • • • • • • • • • • • • • • • • •					
3. Copies of the certified copies of the priority doc	cuments have been received in this r	national stage application from the				
International Bureau (PCT Rule 17.2(a)).						
* Certified copies not received:						
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.						
4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.						
5. CORRECTED DRAWINGS (as "replacement sheets") mus	et be submitted.					
(a) ☐ including changes required by the Notice of Draftspers	on's Patent Drawing Review (PTO-	948) attached				
1) hereto or 2) to Paper No./Mail Date	- ,	•				
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date						
Identifying indicia such as the application number (see 37 CFR 1.	Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).					
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.						
Attachment(s) 1. ☐ Notice of References Cited (PTO-892)	5.	atent Application				
 Notice of Neterences Gled (110-032) Dotice of Draftperson's Patent Drawing Review (PTO-948) 	6. ☐ Interview Summary	(PTO-413),				
3. Information Disclosure Statements (PTO/SB/08),	Paper No./Mail Dat 7. ⊠ Examiner's Amendn	e nent/Comment				
Paper No./Mail Date <u>2/7/08</u> 4. ☐ Examiner's Comment Regarding Requirement for Deposit	8. Examiner's Stateme	nt of Reasons for Allowance				
of Biological Material	9.					

Page 2

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview

with Jan Embretson on 03/13/08.

The application has been amended as follows:

IN THE CLAIMS:

8. The method of claim 1 wherein bioluminescence is employed to

detect the presence of the first molecule.

9. The method of claim 1 wherein fluorescence is employed to detect the

presence of the second molecule.

11. The method of claim 1 wherein the sample is a cell lysate, suspected of

comprising either the first or second molecule or both.

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Art Unit: 1657

95. The method of claim 1 wherein bioluminescence is employed to detect the presence of the first molecule and fluorescence is employed to detect the presence of the second molecule.

- 97. The method of claim 95 wherein one of the molecules is a glycosidase, phosphatase, kinase, dehydrogenase, peroxidase, sulfatase, protease, or hydrolase.
 - 98. The method of claim 1 wherein the sample comprises mammalian cells[[.]] , suspected of comprising either the first or second molecules or both.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL C. MARTIN whose telephone number is (571)272-3348. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Art Unit: 1657

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul Martin Examiner Art Unit 1657

03/17/08

/Jon P Weber/ Supervisory Patent Examiner, Art Unit 1657